

2001 DRAFTING REQUEST**Bill**

Received: 10/12/2000

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Luther Olsen (608) 266-8077

By/Representing: mary

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

Requiring headlamps to be used during periods of fog

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 10/31/2000	gilfokm 11/10/2000	martykr 11/13/2000	_____	gretskl 11/13/2000	lrb_docadmin 12/04/2000	

FE Sent For:

<END>

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1/?	phurley	1-11/10 King	1-11/10	1-11/13 '00			

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<END>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0744/1

PJH:.....

kmg

2001 BILL

10-3-00

D note

Sen. Cost.

1 AN ACT...; relating to: requiring headlamps and other required lamps on motor
2 vehicles to be lighted whenever visibility is impaired by fog.

and providing a penalty

Analysis by the Legislative Reference Bureau

Under current law, no person may operate a vehicle upon a highway during hours of darkness unless any required headlamps, tail lamps, and clearance lamps of the vehicle are lighted, with limited exceptions. This bill provides that these lamps must also be lighted whenever visibility is impaired by fog.

A person who violates any of these provisions may be required to forfeit not less than \$10 no more than \$20 for a first offense and not less than \$25 nor more than \$50 for a ~~2d~~ or subsequent conviction within a year.

second → *offense*

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 29.924 (2) of the statutes is amended to read:
4 29.924 (2) DRIVING WITHOUT HEADLIGHTS. In the performance of their law
5 enforcement duties, wardens may operate motor vehicles owned or leased by the
6 department upon a highway, other than an interstate, a state trunk highway^v, or any
7 highway within the limits of any incorporated area, during hours of darkness or

BILL**SECTION 1**

1 whenever visibility is impaired by fog, without lighted headlamps, tail lamps, or
2 clearance lamps, contrary to s. 347.06 (1), if the driving will aid in the
3 accomplishment of a lawful arrest for violation of this chapter or in ascertaining
4 whether a violation of this chapter has been or is about to be committed. Any civil
5 action or proceeding brought against any warden operating a motor vehicle under
6 this subsection is subject to ss. 893.82 and 895.46.

History: 1997 a. 248 ss. 103 to 107, 711; 1999 a. 83; 1999 a. 150 s. 2; 13.93 (2) (c).

7 **SECTION 2.** 347.06 (1) of the statutes is amended to read:

8 347.06 (1) Except as provided in subs. (2) and (4), no person may operate a
9 vehicle upon a highway during hours of darkness or whenever visibility is impaired
10 by fog unless all headlamps, tail lamps, and clearance lamps with which such vehicle
11 is required to be equipped are lighted. Parking lamps as defined described in s.
12 347.27 shall not be used for this purpose.

History: 1977 c. 425; 1979 c. 32; 1981 c. 98 s. 3; 1997 a. 248.

13 **SECTION 3.** 347.06 (4) of the statutes is amended to read:

14 347.06 (4) A duly authorized warden, as defined in s. 24.01 (11), may operate
15 a vehicle owned or leased by the department of natural resources upon a highway
16 during hours of darkness or whenever visibility is impaired by fog, without lighted
17 headlamps, tail lamps, or clearance lamps in the performance of the warden's duties
18 under s. 29.924 (2).

History: 1977 c. 425; 1979 c. 32; 1981 c. 98 s. 3; 1997 a. 248.

19 **SECTION 4.** 347.09 (1) (intro.) of the statutes is amended to read:

20 347.09 (1) (intro.) No person shall operate a motor vehicle on a highway during
21 hours of darkness or whenever visibility is impaired by fog unless such vehicle is
22 equipped as follows:

History: 1983 a. 243; 1985 a. 65.

23 **SECTION 5.** 347.10 (4) of the statutes is amended to read:

BILL

1 347.10 (4) Any motor vehicle may be operated during hours of darkness or
2 whenever visibility is impaired by fog when equipped with 2 lighted lamps upon the
3 front thereof capable of revealing persons and objects 75 feet ahead in lieu of lamps
4 required by subs. (1) to (3) if such vehicle at no time is operated at a speed in excess
5 of 20 miles per hour. No lighted lamp under this subsection shall have any type of
6 decorative covering that restricts the amount of light emitted when the lighted lamp
7 is in use. This subsection does not apply to any type of decorative covering originally
8 equipped on the vehicle at the time of manufacture and sale.

History: 1983 a. 243; 1995 a. 346.

9 **SECTION 6.** 347.12 (1) (intro.) of the statutes is amended to read:

10 347.12 (1) (intro.) Whenever a motor vehicle is being operated on a highway
11 during hours of darkness or whenever visibility is impaired by fog, the operator shall
12 use a distribution of light or composite beam directed high enough and of sufficient
13 intensity to reveal a person or vehicle at a safe distance in advance of the vehicle,
14 subject to the following requirements and limitations:

History: 1989 a. 69; 1991 a. 316; 1999 a. 66.

15 **SECTION 7.** 347.13 (1) of the statutes is amended to read:

16 347.13 (1) No person shall operate a motor vehicle, mobile home[✓] or trailer[✓] or
17 semitrailer upon a highway during hours of darkness or whenever visibility is
18 impaired by fog unless such motor vehicle, mobile home[✓] or trailer or semitrailer is
19 equipped with at least one tail lamp mounted on the rear which, when lighted during
20 hours of darkness, emits a red light plainly visible from a distance of 500 feet to the
21 rear. No tail lamp shall have any type of decorative covering that restricts the
22 amount of light emitted when the tail lamp is in use. No vehicle originally equipped
23 at the time of manufacture and sale with 2 tail lamps shall be operated upon a
24 highway during hours of darkness or whenever visibility is impaired by fog unless

BILL**SECTION 7**

1 both such lamps are in good working order. This subsection does not apply to any
2 type of decorative covering originally equipped on the vehicle at the time of
3 manufacture and sale.

4 **History:** 1973 c. 252; 1995 a. 346.

SECTION 8. 347.16 (1) (intro.) of the statutes is amended to read:

5 347.16 (1) (intro.) No person shall operate on a highway, during hours of
6 darkness or whenever visibility is impaired by fog, any vehicle, ~~except automobiles,~~
7 having a width at any part in excess of 80 inches, except an automobile, unless such
8 vehicle is equipped with:

9 **SECTION 9.** 347.16 (2) (intro.) of the statutes is amended to read:

10 347.16 (2) (intro.) No person shall operate any of the following vehicles on a
11 highway during hours of darkness or whenever visibility is impaired by fog unless
12 such vehicles are equipped as indicated:

13 **SECTION 10.** 347.26 (1) of the statutes is amended to read:

14 347.26 (1) GENERAL RESTRICTIONS. A vehicle need not be equipped with the
15 lamps specified in this section, but if a vehicle is equipped with any such lamps, no
16 person shall operate such vehicle on a highway during hours of darkness or whenever
17 visibility is impaired by fog unless such lamps comply with the requirements of this
18 section and no person shall use such lamps in a manner inconsistent with this
19 section.

20 **History:** 1977 c. 29 s. 1654 (8) (a); 1983 a. 53 s. 114; 1985 a. 204; 1989 a. 134, 336; 1993 a. 496.

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0744/1dn

PJH:.....

Mary:

Please review this draft carefully to ensure that it is consistent with your intent. Please note that the statutes contain provisions relating to the use of headlamps or other lamps during periods of darkness for bicycles, motorcycles, or mopeds, all-terrain vehicles, snowmobiles, construction vehicles, oversize loads, parked vehicles, and agricultural, farm, and animal-drawn vehicles. I did not amend these provisions because I thought they went beyond the scope of your request. If you would like to have any of these provisions amended, please let me know.

Peggy Hurley
Legislative Attorney
Phone: (608) 266-8906
E-mail: peggy.hurley@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0744/1dn
PJH:kmg:km

November 10, 2000

Mary:

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State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

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STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

November 13, 2000

MEMORANDUM

To: Representative Olsen

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-0744 Requiring headlamps to be used during periods of fog

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.